

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:19-cv-00047-FDW**

**JIMMY SEVILLA-BRIONES,** )  
 )  
 **Petitioner,** )  
 )  
 **vs.** )  
 )  
 **CHRIS WOODS,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon Jimmy Sevilla-Briones’s post-judgment motion for time to demonstrate that he is entitled to a certificate of appealability. (Doc. No. 9.)

On November 26, 2019, this Court dismissed Petitioner’s 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus without prejudice as an unauthorized, successive application for habeas relief, see 28 U.S.C. § 2244(b)(3), and denied Petitioner a certificate of appealability. (Doc. No. 7.) Petitioner seeks time to gather facts and cases to demonstrate that the Court could find a constitutional wrong and should grant him a certificate of appealability.

The Court, however, dismissed the habeas Petition on procedural grounds, and Petitioner does not contend that the correctness of the Court’s procedural ruling is debatable. See Slack v. McDaniel, 529 U.S. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right). Therefore, Petitioner’s Motion is **DENIED**.

**SO ORDERED.**

Signed: January 12, 2020

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

